

REMARKS

Favorable reconsideration of this application is requested in view of the foregoing amendments and the following remarks. Claims 1-22 are pending in the application.

At page 2 of the Office Action dated July 20, 2005, the disclosure is objected to and appropriate correction is required. The specification is appropriated amended to recite the serial number of copending application U.S. Ser. No. 10/649,474.

Accordingly, withdrawal of this objection is respectfully requested.

Claims 1-22 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as unpatentable over claims 1-26 of copending application U.S. Ser. No. 10/649,474. **A terminal disclaimer with regard to copending application U.S. Ser. No. 10/649,474 is filed herewith as a separate paper.**

Accordingly, withdrawal of this rejection is respectfully requested.

Claims 1 and 5-22 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as unpatentable over claims 1-20 of copending application U.S. Ser. No. 10/234,042. However, all of claims 1-10 of this application explicitly require "wherein the object beam is transmitted through an object that is at least partially translucent" and all of claims 11-22 of this application explicitly require "wherein the object beam subassembly includes an object that is at least partially translucent, the object transmissively optically coupled between the source of coherent light energy and the beamsplitter." These important transmission limitations of this application are NOT recited or suggested by any of the claims of U.S. Ser. No. 10/234,042. Further, these important transmission limitations of this application are NOT disclosed or taught by any part of the specification, drawings or claims U.S. Ser. No. 10/234,042. Claims 1 and 5-22 of this application are clearly not broader than claims 1-20 of copending application U.S. Ser. No. 10/234,042 because claims 1-20 of copending application U.S. Ser. No. 10/234,042 do NOT require "wherein the object beam is transmitted through an object that is at least partially

translucent" or "wherein the object beam subassembly includes an object that is at least partially translucent, the object transmissively optically coupled between the source of coherent light energy and the beamsplitter."

Accordingly, withdrawal of this rejection is respectfully requested.

Claims 1 and 5-22 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as unpatentable over claims 1-27 of copending application U.S. Ser. No. 10/234,043. However, as noted above, all of claims 1-10 of this application explicitly require "wherein the object beam is transmitted through an object that is at least partially translucent" and all of claims 11-22 of this application explicitly require "wherein the object beam subassembly includes an object that is at least partially translucent, the object transmissively optically coupled between the source of coherent light energy and the beamsplitter." These important transmission limitations of this application are NOT recited or suggested by any of the claims of U.S. Ser. No. 10/234,043. Further, these important transmission limitations of this application are NOT disclosed or taught by any part of the specification, drawings or claims U.S. Ser. No. 10/234,043. Claims 1 and 5-22 of this application are clearly NOT similar in scope to claims 1-27 of copending application U.S. Ser. No. 10/234,043 because claims 1-27 of copending application U.S. Ser. No. 10/234,043 do NOT require "wherein the object beam is transmitted through an object that is at least partially translucent" or "wherein the object beam subassembly includes an object that is at least partially translucent, the object transmissively optically coupled between the source of coherent light energy and the beamsplitter."

Accordingly, withdrawal of this rejection is respectfully requested.

Claims 1 and 5-22 stand rejected under the judicially created doctrine of obviousness-type double patenting as unpatentable over claims 1-25 of U.S. Pat. No. 6,747,771. However, as previously twice noted, all of claims 1-10 of this application explicitly require "wherein the object beam is transmitted through an object that is at least

partially translucent" and all of claims 11-22 of this application explicitly require "wherein the object beam subassembly includes an object that is at least partially translucent, the object transmissively optically coupled between the source of coherent light energy and the beamsplitter." These important transmission limitations of this application are NOT recited or suggested by any of the claims of U.S. Pat. No. 6,747,771. Further, these important transmission limitations of this application are NOT disclosed or taught by any part of the specification, drawings or claims U.S. Pat. No. 6,747,771. Claims 1 and 5-22 of this application are clearly NOT similar in scope to claims 1-25 of U.S. Pat. No. 6,747,771 because claims 1-25 of U.S. Pat. No. 6,747,771 do NOT require "wherein the object beam is transmitted through an object that is at least partially translucent" or "wherein the object beam subassembly includes an object that is at least partially translucent, the object transmissively optically coupled between the source of coherent light energy and the beamsplitter."

Accordingly, withdrawal of this rejection is respectfully requested.

Claims 1 and 5-22 stand rejected under 35 USC 103 as obvious over U.S. Patent Application Publication No. 2004/0042056 to Price et al. (hereinafter Price et al.).

However, all of claims 1-10 of this application explicitly require "wherein the object beam is transmitted through an object that is at least partially translucent" and all of claims 11-22 of this application explicitly require "wherein the object beam subassembly includes an object that is at least partially translucent, the object transmissively optically coupled between the source of coherent light energy and the beamsplitter." These important transmission limitations of this application are NOT disclosed or taught by any part of the specification, drawings or claims of the Price et al. reference.

At page 6 of the Office Action, the Examiner alleges that "Price et al teaches that DDH measurements of the object can be performed by reflection (see the Figures) or through transmission (see paragraph 0039). However, turning to paragraph 0039 of the

Price et al. reference, it is important to understand that paragraph 0039 of the Price et al. reference is only describing the object beam passing through the object objective. The object objective referred to by the Price et al. reference is just a lens. (See the object objective 210 in figures 2-4 of the Price et al. reference.) The object objective referred to by the Price et al. reference is NOT the object itself. Every embodiment described by the Price et al. reference operates only by reflection and the Price reference teaches only reflection.

Accordingly, withdrawal of this rejection is respectfully requested.

Claims 1 and 5-22 stand rejected under 35 USC 103 as obvious over U.S. Patent Application Publication No. 2004/0042015 to Price (hereinafter Price).

However, as noted above, all of claims 1-10 of this application explicitly require "wherein the object beam is transmitted through an object that is at least partially translucent" and all of claims 11-22 of this application explicitly require "wherein the object beam subassembly includes an object that is at least partially translucent, the object transmissively optically coupled between the source of coherent light energy and the beamsplitter." These important transmission limitations of this application are NOT disclosed or taught by any part of the specification, drawings or claims of the Price reference.

At page 8 of the Office Action, the Examiner alleges that "Price et al teaches that DDH measurements of the object can be performed by reflection (see the Figures) or through transmission (see paragraphs 0033-0046). However, turning to paragraphs 0033-0046 of the Price reference, it is important to understand that the Price reference is only describing the object beam passing through the object objective. The object objective referred to by Price is just a lens. (See the object objective 210 in figures 2-4 of the Price reference.) The object objective referred to by Price is NOT the object itself. Every embodiment described by the Price reference operates only by reflection and the Price reference teaches only reflection.

Accordingly, withdrawal of this rejection is respectfully requested.

Claims 1 and 5-22 stand rejected under 35 USC 103 as obvious over U.S. Patent No. 6,747,771 to Thomas et al. (hereinafter Thomas).

However, as repeatedly noted above, all of claims 1-10 of this application explicitly require "wherein the object beam is transmitted through an object that is at least partially translucent" and all of claims 11-22 of this application explicitly require "wherein the object beam subassembly includes an object that is at least partially translucent, the object transmissively optically coupled between the source of coherent light energy and the beamsplitter." These important transmission limitations of this application are NOT disclosed or taught by any part of the specification, drawings or claims of the Thomas reference.

At page 9 of the Office Action, the Examiner alleges that "Thomas teaches that DDH measurements of the object can be performed by reflection (see the Figures) or through transmission (see columns 4-7). However, turning to columns 4-7 of the Thomas reference, it is important to understand that the Thomas reference is only describing the object beam passing through the object objective. The object objective referred to by Thomas is just a lens. (See the object objective 210 in figures 2-3 of the Thomas reference.) The object objective referred to by the Thomas reference is NOT the object itself. Every embodiment described by the Thomas reference operates only by reflection and the Thomas reference teaches only reflection.

Accordingly, withdrawal of this rejection is respectfully requested.

Other than as explicitly set forth above, this reply does not include acquiescence to statements in the Office Action. In view of the above, all the claims are considered patentable and allowance of all the claims is respectfully requested. The Examiner is invited to telephone the undersigned (at direct line 512-394-0118) for prompt action in the event any issues remain that prevent the allowance of any pending claims.

No fee is due for filing this Reply because it is being filed within the shortened statutory period for response as set in the Office Action dated July 20, 2005.

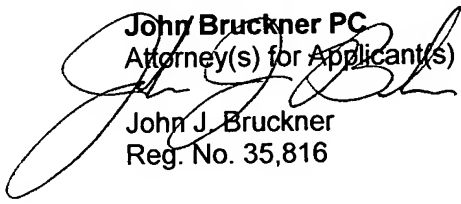
Attorney Docket No.:
UBAT1510

Ser. No.: 10/649,251
Customer No.: 38396

8

The Director of the U.S. Patent and Trademark Office is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 50-3204 of John Bruckner PC.

Respectfully submitted,


John Bruckner PC
Attorney(s) for Applicant(s)

John J. Bruckner
Reg. No. 35,816

Dated: September 12, 2005

5708 Back Bay Lane
Austin, TX 78739-1723
Tel. (512) 394-0118
Fax. (512) 394-0119